

DAVID J. BERGER, State Bar No. 147645  
CATHERINE E. MORENO, State Bar No. 264517  
THOMAS J. MARTIN, State Bar No. 150039  
WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation  
650 Page Mill Road  
Palo Alto, CA 94304-1050  
Telephone: (650) 493-9300  
Facsimile: (650) 565-5100  
Email: [tmartin@wsgr.com](mailto:tmartin@wsgr.com)

PAUL CHAVEZ, State Bar No. 241576  
ROBIN GOLDFADEN, State Bar No. 208055  
LAWYERS' COMMITTEE FOR CIVIL RIGHTS  
131 Steuart Street, Suite 400  
San Francisco, CA 94105  
Telephone: (415) 543-9444  
Facsimile: (415) 543-0296  
Email: pchavez@lccr.com

JULIA HARUMI MASS, State Bar No. 189649  
JINGNI (JENNY) ZHAO, State Bar No. 284684  
ALAN L. SCHLOSSER, State Bar No. 49957  
AMERICAN CIVIL LIBERTIES UNION FOUNDATION  
OF NORTHERN CALIFORNIA, INC.  
39 Drumm Street  
San Francisco, CA 94111  
Telephone: (415) 621-2493  
Facsimile: (415) 255-8437  
Email: [jmass@aclunc.org](mailto:jmass@aclunc.org)

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

UELIAN DE ABADIA-PEIXOTO, *et al.*,  
 Plaintiffs,  
 v.  
 UNITED STATES DEPARTMENT OF  
 HOMELAND SECURITY, *et al.*,  
 Defendants.

Case No.: 3:11-cv-4001 RS  
**CLASS ACTION**  
**DECLARATION OF JULIA HARUMI**  
**MASS IN SUPPORT OF PLAINTIFFS’**  
**UNOPPOSED MOTION FOR FINAL**  
**APPROVAL OF CLASS ACTION**  
**SETTLEMENT**  
 Date: April 10, 2014  
 Time: 1:30 p.m.  
 Judge: Honorable Richard Seeborg  
 Ctrm: 3, 17th Floor

1 I, Julia Harumi Mass, declare:

2 1. I am a Staff Attorney with the American Civil Liberties Union Foundation of  
3 Northern California (“ACLU of Northern California”) in San Francisco, California, co-counsel  
4 for Plaintiffs Uelian De Abadia-Peixoto, Esmar Cifuentes, Pedro Nolasco Jose, and Mi Lian Wei  
5 in the above-captioned action. I submit this declaration in support of Plaintiffs’ Unopposed  
6 Motion in Support of Final Approval of Class Action Settlement. The following facts are based  
7 on my personal knowledge and, if called to testify to these facts, I could and would testify  
8 competently thereto.

9 2. I have been a member of the California bar with an active litigation practice since  
10 1997. I graduated from UCLA School of Law in 1996. After graduation, I served as a judicial  
11 clerk to the Honorable Warren J. Ferguson on the Ninth Circuit Court of Appeals. From 1997 to  
12 2003 I was an associate at the Pasadena law firm, Rothner, Segall & Greenstone, and I joined the  
13 staff of the ACLU of Northern California in April 2003.

14 3. The ACLU of Northern California is the largest regional affiliate of the American  
15 Civil Liberties Union and is dedicated to the defense and promotion of the guarantees of liberty  
16 and individual rights embodied in the federal and state constitutions. The ACLU of Northern  
17 California has extensive expertise in class action and other impact litigation and has participated  
18 in numerous cases in federal court that involve policies and practices of the federal immigration  
19 system. The ACLU of Northern California has also been involved in local, state, and federal  
20 advocacy related to immigration enforcement policy.

21 4. As a staff attorney at the ACLU of Northern California, I regularly litigate civil  
22 rights cases on behalf of plaintiffs in the Northern District of California. I have litigated  
23 numerous cases against federal agencies, including several that named Immigration and Customs  
24 Enforcement as a defendant.

25 5. My colleagues and I have recorded significant time to this action. Below is a  
26 chart reflecting the ACLU of Northern California attorney timekeepers and hours billed to this  
27 matter from 2011-2013:  
28

<b>Attorney Timekeeper</b>	<b>Hours Billed (2011-2013)</b>
Julia Harumi Mass	742.38 <sup>1</sup>
Jenny Zhao	207
Michael T. Risher	1.8
<b>Total</b>	<b>951.18</b>

6. Applying the average maximum hourly billing rates under the Equal Access to Justice Act (“EAJA”),<sup>2</sup> this recorded time corresponds to a total of approximately \$174,998.09. This amount excludes time spent by Legal Director Alan Schlosser, Legal Fellow Genevieve Fontan, and staff at the ACLU of Northern California as well as filing, transportation, and other costs associated with this action.

7. It has been and remains my general practice to keep contemporaneous records for all time billed to clients and to enter all of my time for a particular client, on a particular day, in a single entry for the client on that date. It is also my practice to include sufficient detail in my time entries to inform the client as to the nature of the services I performed for them. I followed these billing practices throughout this case. My billing records reflect no more than the time actually spent, and in many cases actually reflect less time than I spent.

8. In negotiating the settlement of this action, the issue of fees was not negotiated until after the parties had reached an agreement in principle on the substantive aspects of the settlement. Magistrate Judge Beeler also provided substantial assistance in negotiating the agreed upon fee amount. The amount of the agreed upon fee was included in the notice to the class. *See, e.g.,* Declaration of Angie Young Kim Ex. 2.

9. Pursuant to the Court’s January 23, 2014 Preliminary Approval Order, on January 30, 2014, I effectuated the posting of notice of the proposed settlement in English, Spanish, Chinese, and Punjabi on the website of the ACLU of Northern California by including a

<sup>1</sup> The increase in hours since my declaration in support of preliminary approval of the settlement submitted on December 19, 2013 reflects additional time spent through December 31, 2013.

<sup>2</sup> The statutory maximum hourly rates (adjusted for increases in the cost of living) were \$180.59, \$184.32, and \$187.02 for 2011, 2012, and 2013 under the EAJA, as provided by the United States Court of Appeals for the Ninth Circuit. The average maximum for these years (\$183.98) multiplied by total hours billed by attorneys (951.18 hours) equals \$174,998.09.

1 heading in large bold letters, “Notice of Proposed Class Action Settlement,” with links to each of  
 2 the translations of the notice on the case page for the matter, and including links to each  
 3 translation of the notice on both the blog post and press release announcing the settlement  
 4 agreement. These pages can be viewed at [https://www.aclunc.org/our-work/legal-docket/uelian-](https://www.aclunc.org/our-work/legal-docket/uelian-de-abadia-peixoto-et-al-vs-united-states-department-homeland-security)  
 5 [de-abadia-peixoto-et-al-vs-united-states-department-homeland-security;](https://www.aclunc.org/our-work/legal-docket/uelian-de-abadia-peixoto-et-al-vs-united-states-department-homeland-security)  
 6 [https://www.aclunc.org/news/historic-settlement-reached-class-action-lawsuit-challenging-](https://www.aclunc.org/news/historic-settlement-reached-class-action-lawsuit-challenging-shackling-immigrants-court)  
 7 [shackling-immigrants-court;](https://www.aclunc.org/news/historic-settlement-reached-class-action-lawsuit-challenging-shackling-immigrants-court) and [https://www.aclunc.org/blog/victory-san-francisco-](https://www.aclunc.org/blog/victory-san-francisco-immigration-detainees-no-longer-shackled)  
 8 [immigration-detainees-no-longer-shackled.](https://www.aclunc.org/blog/victory-san-francisco-immigration-detainees-no-longer-shackled) The notice remained posted for more than thirty (30)  
 9 days.

10 10. Plaintiffs’ counsel at the ACLU of Northern California have not received any  
 11 objections in writing, via regular or electronic mail, or by telephone or voicemail to final  
 12 approval of the parties’ settlement agreement. Nor have we received any requests for copies of  
 13 the notice in any alternate format.

14 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
 15 knowledge. This declaration was executed on this 6th day of March, 2014, in San Francisco,  
 16 California.

17  
 18 /s/ Julia Harumi Mass  
 19 Julia Harumi Mass

20  
 21 **SIGNATURE ATTESTATION**

22 I, Catherine E. Moreno, attest that I obtained the concurrence of Julia Harumi Mass in  
 23 filing this document. I declare under penalty of the laws of the United States that the foregoing  
 24 is true and correct.

25 Executed this 6th day of March, 2014 in Palo Alto, California.

26 /s/ Catherine E. Moreno  
 27 Catherine E. Moreno